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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Delbarba)
Application No.: 10/022,475) Group Art Unit: 2166
Filed: December 18, 2001) Examiner: Unassigned
For: METHOD OF MARKET BASKET)
BIDDING FOR SURPLUS)
MERCHANDISE)

**INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicant cites the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Name Kim R. Jessum Signature K. R. Jessum Date of Deposit June 26, 2002

In compliance with 37 C.F.R. § 1.98(a), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (3 sheets) are provided.

U.S. Patents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
3,581,072	5/25/71	Nymeyer
3,863,060	1/28/75	Rode, et al.
4,597,045	6/24/86	Kiuchi
4,674,044	6/16/87	Kalmus, et al.
4,789,928	12/6/88	Fujisaki
4,799,156	1/17/89	Shavit, et al.
4,845,625	7/4/89	Stannard
4,992,940	2/12/91	Dworkin
5,136,501	8/4/92	Silverman, et al.
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5,243,515	9/7/93	Lee
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5,402,336	3/28/95	Spiegelhoff, et al.
5,606,602	2/25/97	Johnson, et al.
5,629,982	5/13/97	Micali
5,640,569	6/17/97	Miller, et al.
5,664,115	9/2/97	Fraser

5,684,963	11/4/97	Clement
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5,758,327	5/26/98	Gardner, et al.
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5,765,138	6/9/98	Aycock, et al.
5,774,873	6/30/98	Berent, et al.
5,794,207	8/11/98	Walker, et al.
5,794,219	8/11/98	Brown
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5,802,502	9/1/98	Gell, et al.
5,803,500	9/8/98	Mossberg
5,809,483	9/15/98	Broka, et al.
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5,862,223	1/19/99	Walker, et al.
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5,897,621	4/27/99	Boesch, et al.
5,905,974	5/18/99	Fraser, et al.
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PATENT
Attorney Docket No. 046700-5054
Page 4 of 7

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5,966,699	10/12/99	Zandi
6,014,627	1/11/00	Togher, et al.
6,021,398	2/1/00	Ausubel
6,023,685	2/8/00	Brett, et al.
6,044,363	3/28/00	Mori, et al.
6,055,518	4/25/00	Franklin, et al.
6,058,379	5/2/00	Odom, et al.
6,061,663	5/9/00	Bloom, et al.
6,078,906	6/20/00	Huberman
6,119,229	9/12/00	Martinez, et al.
6,151,589	11/21/00	Aggarwal, et al.
6,161,099	12/12/00	Harrington, et al.
6,199,050	3/6/01	Alaia, et al.
6,266,652	07/24/01	Godin, et al.
6,366,891	4/2/2002	Feinberg

Foreign Patents

<u>Publication No.</u>	<u>Publication Date</u>	<u>Country</u>
0399850A	11/28/90	EP
WO 92/15174	9/3/92	WIPO
WO 97/37315	10/9/97	WIPO
WO 98/34187	8/6/98	WIPO
WO 99/63461	12/9/99	WIPO

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Other Publications

Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998

Associated Press, "Auction on Web is Buyer's Market", April 6, 1998

"BroadVision Developing First Interactive Commerce Management System To Support Online Sales & Marketing Process; New Software Category Necessary to Interactive Network Architecture", Business Wire, p5150152, May 15, 1995

Danny Cohen, "Computerized Commerce", Information Processing 89, August 28-September 1, 1989

"FairMarket Launches New Self-Serve Auctions", Business Wire, p6161495, June 16, 1998

Jahnke, "How Bazaar", CIO Web Business Magazine, August 27, 1998

Jean-Pierre Banatre, et al., "The Design and Building of Enchere, a Distributed Electronic Marketing System" Communications of the ACM, No. 1, January 29, 1986

Lee, "Do electronic marketplaces lower the price of goods?", Communications of the PCM, v41n1 pp 73-80, January 1998

Malone, et al., "The Logic of Electronic Markets", Harvard Business Review, No. 893II, May-June 1989

"Moai Technologies Introduces New categories of Business to Business Auction Software...", Business Editors and Computer Writers, March 16, 1998

Kikuchi, et al., "Multi-Round Anonymous Auction Protocols", IEICE Trans. Inf. & Syst., vol.E82-D, No.4, April 1999

"Online bidding software", Electronic Buyers' News, Issue 1072, p86, 1/6p, August 25, 1997

Sairamesh, et al., "Economic Framework for Pricing and Charging Digital Libraries", D-Lip Magazine, February 1996

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Von der Fehr, et al., "Predatory bidding in sequential auctions", Oxford Economics Papers, v46, n3, p345(12), July 1994

"What you need to know to bid in FCC's narrowband auction", Washington Telecom News, v2, n26, p6(2), June 27, 1994

Wilder, "What's Your Bid? – FreeMarkets' real-time online bidding technology lets clients drive downcosts and improve product value", InformationWeek, November 10, 1997

Woolley, "E-muscle", Forbes, March 9, 1998

Applicant respectfully requests that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 (3 sheets) with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

June 26, 2002
Date

By: Kim R. Jessum

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

2

of JUL 01 2002

Completely Known	
Application Number	10/022,475
Filing Date	December 18, 2001
First Named Inventor	Delbarba
Group Art Unit	2166
Examiner Name	Unassigned
Attorney Docket Number	046700-5054

5,890,138	Godin, et al.	3/30/99
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5,905,974	Fraser, et al.	5/18/99
5,905,975	Ausubel	5/18/99
5,915,209	Lawrence	6/22/99
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6,058,379	Odom, et al.	5/2/00
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6,199,050	Alaia, et al.	3/6/01
6,266,652	Godin, et al.	07/24/01
6,366,891	Feinberg	4/2/2002

FOREIGN PATENT DOCUMENTS

Exr Initials	Foreign Patent Document			Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T ₁
	Country Code	Number	Kind Code (if known)			
	EP	0399850A		RECEIVED	11/28/90	
	WIPO	WO 92/15174			9/3/92	
	WIPO	WO 97/37315			10/9/97	
	WIPO	WO 98/34187		JUL 05 2002	8/6/98	
	WIPO	WO 99/63461			12/9/99	
	JP	409101994A			4/97	
	JP	410078992A			3/98	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exr Initials	Other Prior Art Description	T ₁
	Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	
	Andrews, "Auctions Catch the Interest of Hobbyists and Big Business", August 24, 1998	
	Associated Press, "Auction on Web is Buyer's Market", April 6, 1998	
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Examiner Signature	Date Considered
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Sheet 3 of 3

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Woolley, "E-muscle", Forbes, March 9, 1998

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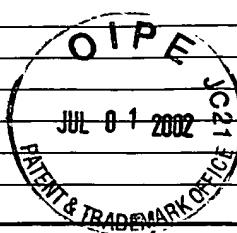
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
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Sheet

JUL 01 2002

Completely Known	
Application Number	10/022,473
Filing Date	December 18, 2001
First Named Inventor	Delbarba
Group Art Unit	2166
Examiner Name	Unassigned
Attorney Docket Number	046700-5054

**U.S. PATENT DOCUMENTS**

Exr Initials	U.S. Patent Document Number	Kind Code (if known)	Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	3,581,072		Nymeyer	5/25/71
	3,863,060		Rode, et al.	1/28/75
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	5,193,056		Boes	3/9/93
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	5,394,324		Clearwater	2/28/95
	5,402,336		Spiegelhoff, et al.	3/28/95
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	5,629,982		Micali	5/13/97
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	5,684,963		Clement	11/4/97
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	5,715,402		Popolo	2/3/98
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